

BRIEF OUTLINE OF THE COMPLAINT PROCESS

Iowa Civil Rights Commission 400 East 14th Street Des Moines, IA 50319-1004
515-281-4121 / 1-800-457-4416 / (FAX): 515-242-5840

Web: <http://www.state.ia.us/government/crc>

1. When a signed/verified complaint is received, it is reviewed to determine whether it meets statutory requirements of the "Iowa Civil Rights Act," Iowa Code Chapter 216. A complaint must be filed with the Commission within *300 days of the last alleged discriminatory incident. [*Effective July 1, 2008]
 - a. If the complaint meets the statutory requirements, it is given a case number (CP#) and a copy of the complaint is mailed to the Complainant. Another copy is mailed to the Respondent, the person or organization charged in the complaint with a violation of Iowa Code Chapter 216.

All inquiries about the complaint should be by complaint number (CP#).

2. The Complainant and Respondent are required to answer a questionnaire or submit a position statement, along with relevant documents, within **thirty (30) days**. Complainant or Respondent may request an **extension** by calling the Iowa Civil Rights Commission at 1-800-457-4416 or 515-281-4121, ext. 0.
3. When the Commission receives all parties' responses to the questionnaires, the collected information is reviewed by an investigator to determine whether further agency inquiry is warranted. (The complaint will be screened in when the collected information indicates a reasonable possibility of a probable cause determination.)

It is very important to answer the questionnaire thoroughly.

- a. If further investigation is not warranted, the complaint is administratively closed. The complainant has appeal rights which will be explained in the closure letter.
 - b. If further investigation is warranted, the parties will be given an opportunity to participate in "mediation." Mediation allows the parties to negotiate a "no-fault settlement" of the complaint. **Mediation is available at any time after a complaint is filed, if both parties agree to participate.**
4. Once the complaint has been on file for 60 days, the Complainant has the option of removing their complaint from the Civil Rights Commission and its investigatory process, to commence a lawsuit in state district court. Before filing a lawsuit, the Complainant must request a "right-to-sue" letter from the Commission. When the Commission issues the "right-to-sue" letter, the Commission administratively closes the complaint and will take no further action on the complaint. **It is advisable to consult with an attorney before asking for a right-to-sue. The law requires that the lawsuit be filed within 90 days of the date the Commission issues the right-to-sue.**

5. During the investigation, a Commission investigator will usually interview both parties and witnesses, and will collect additional records. The investigator will analyze all of the collected information and recommend to the Administrative Law Judge whether probable cause or no probable exists to believe that discrimination occurred.

From the time the Commission receives the complaint to the time the investigation is completed and a finding by the administrative law judge has been made, the Commission is a neutral fact-finder and represents neither party.

- a. If the Administrative Law Judge finds No Probable Cause, the complaint is closed. If the Administrative Law Judge finds No Probable Cause, the Complainant loses their right to get a “right-to-sue” and loses the right to file a lawsuit in state district court. (In complaints alleging housing discrimination, the Complainant has the right to file a lawsuit within two years of the alleged discriminatory incident, not counting the time the case was on file with the Commission.)
 - b. If the Administrative Law Judge finds Probable Cause, the complaint goes to a Commission Conciliator. The Conciliator assists the parties in trying to reach a settlement.
6. If conciliation fails, the complaint will be reviewed to determine whether it should proceed to public hearing. If the complaint is selected for public hearing, an Administrative Law Judge will hear the case in accordance with the “Iowa Administrative Procedure Act.” If not selected for public hearing, the complaint will be administratively closed and the Complainant may request a “**right-to-sue**” letter within two years of the administrative closure.

Approximate Complaint Processing Timeline

From the date the Commission receives a signed complaint, all parties will be served with a copy of the complaint and a questionnaire within 20 days.

All parties should respond to the questionnaires within 30 days from the date on the notification letter, unless an extension has been granted. The Commission screens the complaint (reviews the contents of the file), usually within 120 days from the date the complaint is filed.

If the complaint is screened out, the case is administratively closed. If the complaint is screened in, it goes on to mediation. Mediation typically takes 30 to 90 days. If mediation is unsuccessful, the complaint will be assigned to an investigator.

Depending on the complexity of the fact and legal issues presented in the complaint and the cooperation of the parties and witnesses, the investigation may take several months or more to complete. In most cases the Commission will complete the investigation within 18 months from the date the complaint is filed.